

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: DAVID COLVIN Serial No.: 10/605,061

Filed: September 5, 2003

Confirmation No.:2060

Attorney Docket: COL404PUS

For: **HARDWARE BASED METHOD FOR DIGITAL RIGHTS MANAGEMENT  
INCLUDING SELF ACTIVATING/SELF AUTHENTICATION SOFTWARE**

**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. § 1.97(c)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56 and § 1.97-1.98, the information provided here and documents identified on the attached Form PTO/SB08A are being submitted herewith for consideration by the Examiner. This Statement is being filed in accordance with 37 C.F.R. § 1.97(c).

While this Statement is being filed in compliance with the duty of disclosure, citation of the information and documents is not to be construed as an admission that any of the information provided is "material" as defined under 37 C.F.R. § 1.56(b).

Applicant submits herewith U.S. District Court Docket sheets, Memorandum Opinion and Order, and fee authorization calling the Examiner's attention to litigation of related U.S. Patent Nos. 6,044,471 (claim 32) and 6,785,825 (claims 44, 131) in the Eastern District of Texas, case Nos. 6:06-cv-00142-LED, 6:06-cv-00258-LED, 6:06-cv-00335-LED. In this litigation, defendants alleged that the '471 and '825 patents were invalid/unenforceable due to prior art, inventorship, and inequitable conduct including failure to disclose material prior art during prosecution. As described by the Court in the Memorandum Opinion and Order, the jury and the Court did not find sufficient evidence to support any of these allegations.

To avoid inundating the Examiner with documents to consider, most of which may be irrelevant, and in light of the favorable findings of the jury and

Court, Applicant has not provided the Examiner with copies of all of the documents filed in the litigation. However, Applicant will promptly provide any additional document(s) or information requested by the Examiner (not filed under seal) for consideration in this application or any related applications in determining patentability of any pending claims.

Additional litigation was initiated on 8/21/06 in the Eastern District of Texas, case # 6:06-cv-00369-LED, alleging patent infringement of related U.S. Patent Nos. 6,044,471 and 6,785,825. Docket sheets have also been provided for this case, although substantive proceedings have not yet begun.

A copy of each document listed on the attached Form PTO/SB08A is included herewith. Consideration and entry into the record of these references is respectfully requested.

Please charge the fee of **\$180** for consideration of this Information Disclosure Statement to **Deposit Account 50-2841 (Bir Law, PLC)**.

Respectfully submitted,

DAVID COLVIN

By: 

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Date: September 18, 2006

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